

2013 DRAFTING REQUEST

Bill

Received: **10/12/2012** Received By: **rkite**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Stinebrink**
May Contact: Drafter: **rkite**
Subject: **Environment - water quality** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Stinebrink, BB0167 -

Topic:

Ballast water discharge permit fee sunset provision

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 10/16/2012			_____			
/1	rkite 11/27/2012	jdye 10/19/2012	jmurphy 10/19/2012	_____	lparisi 10/19/2012		
/2	rkite 12/17/2012	jdye 11/28/2012	rschluet 11/28/2012	_____	sbasford 11/28/2012		
/3	rkite	jdye	rschluet	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/22/2013	1/22/2013	1/22/2013	_____	12/17/2012		
/4				_____	lparisi		
				_____	1/22/2013		

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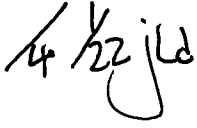

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Subject: **Environment - water quality** Addl. Drafters:
Extra Copies:

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Carbon copy (CC) to:

Pre Topic:

DOA:.....Stinebrink, BB0167 -

Topic:

Ballast water discharge permit fee sunset provision

Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 10/16/2012	2/11/28 jld					
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FE Sent For:

<END>

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/?	rkite	10/19 jld	led x sm 10/19	<u>Jim</u> 10/19			

FE Sent For:

<END>

RNK

Kite, Robin

From: Hanaman, Cathlene
Sent: Wednesday, October 10, 2012 5:04 PM
To: Tradewell, Becky; Kite, Robin; Gibson-Glass, Mary
Subject: FW: [Possible SPAM] Statutory Language Drafting Request

Importance: Low

From: Cory.Stinebrink@Wisconsin.gov [mailto:Cory.Stinebrink@Wisconsin.gov]
Sent: Wednesday, October 10, 2012 12:46 PM
To: Hanaman, Cathlene
Cc: Wavrunek, Leah J - DOA; Stinebrink, Cory R - DOA; Thornton, Scott - DOA
Subject: [Possible SPAM] Statutory Language Drafting Request
Importance: Low

Biennial Budget: 2013-15

DOA Tracking Code: BB0167

Topic: Repeal Sunset Provision for Ballast Water Fees

SBO Team: AEJ

SBO Analyst: Stinebrink, Cory R - DOA
Phone: (608) 266-1103
E-mail: Cory.Stinebrink@Wisconsin.gov

Agency Acronym: DNR

Agency Number: 370

Priority: Medium

Intent:

Modify statutes to repeal the sunset provision on ballast water fees.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0383/

RNK: A:...

Handwritten initials "jld"

DOA:.....Stinebrink, BB0167 – Ballast water discharge permit fee sunset provision

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

In 10/16

D-Note

✓
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don't gen
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

Under current law, DNR may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. If DNR issues a general permit, DNR must charge a person who seeks coverage under the general permit a specified application fee and an annual fee. These fees apply only before July 1, 2013. Current law requires DNR to promulgate rules to establish the fees that apply beginning on July 1, 2013. This bill repeals the provisions in current law that establish fees that apply before July 1, 2013.

general

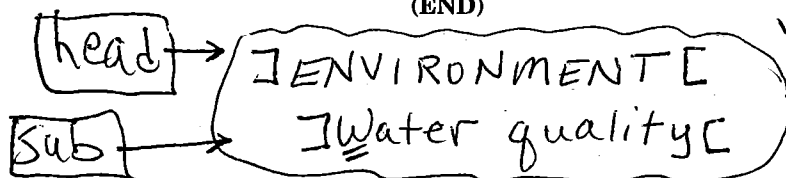
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2
3
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SECTION 1. 283.35 (1m) (b) of the statutes is repealed.

SECTION 2. 283.35 (1m) (c) of the statutes is repealed.

(END)



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0383/1dn
RNK:jld:jm

October 19, 2012

Cory Stinebrink:

The instructions for this draft were to repeal the sunset provision for ballast water fees. If the sunset is repealed, this would cause the statutory fees under s. 283.35 (1m) (b), stats., to remain in effect. I have assumed instead that you want the provisions in current law that establish fees for applications before July 1, 2013, repealed given that current law requires DNR to establish fees by rule beginning on July 1, 2013. See s. 283.35 (1m) (d), stats. If I have misunderstood your instructions or if you have any questions about this draft, please feel free to contact me.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0383/1dn
RNK:jld:jm

October 19, 2012

Cory Stinebrink:

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Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>
Sent: Monday, November 26, 2012 5:10 PM
To: Kite, Robin
Subject: Ballast Water Permit Fee - BB0167

Robin-

On the 0383/1 draft for ballast water fee sunset, I believe the intent is to keep the fees in place in statute rather than promulgating rules for them. So, maintain 283.35(1m)(b) but repeal 283.35(1m)(c) and 283.35(1m)(d).

Cory Stinebrink
Executive Policy and Budget Analyst
State Budget Office
(608)266-1103



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0383/

RNK:jld

Rm
2

DOA:.....Stinebrink, BB0167 - Ballast water discharge permit fee sunset provision

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

In
11/27

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AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Under current law, DNR may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. If DNR issues a general permit, DNR must charge a person who seeks coverage under the general permit a specified application fee and an annual fee. These fees apply only before July 1, 2013. Current law requires DNR to promulgate rules to establish the fees that apply beginning on July 1, 2013. ~~This bill repeals the provisions in current law that establish fees that apply before July 1, 2013.~~

INS
Analysis

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

~~SECTION 1. 283.35 (1m) (b) of the statutes is repealed.~~

SECTION 2. 283.35 (1m) (c) of the statutes is repealed.

(END)

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INS.
1-3

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0383/2ins.
RNK:.....

INSERT ANALYSIS

¶ This bill eliminates the requirement that DNR[✓] promulgate rules to establish the general permit application fee and annual fee that apply[✓] on and after July 1, 2013. Under this bill, the fees that are currently established in the statutes continue to apply on and after July 1, 2013.[✓]

INSERT 1-3

1

SECTION 1. 283.35 (1m)[✓] (d) of the statutes is repealed.

Kite, Robin

From: Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>
Sent: Monday, December 17, 2012 10:30 AM
To: Kite, Robin
Subject: RE: BB0167

I am good with October 1, 2015. It is something I'd have to bring to the Governor's attention, so it's possible it would change. But October 1 does seem like a better route to take.

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Monday, December 17, 2012 10:17 AM
To: Stinebrink, Cory R - DOA
Subject: RE: BB0167

In the event the new fees will be established in the 2015-2017 budget, and because it is unlikely that the 2015-17 budget will have been enacted by June 30, 2015, you might want the sunset to have a later date in the year. Perhaps October 1, 2015? Your thoughts?

Thanks.
Robin

From: Stinebrink, Cory R - DOA [<mailto:Cory.Stinebrink@wisconsin.gov>]
Sent: Monday, December 17, 2012 9:30 AM
To: Kite, Robin
Subject: RE: BB0167

I believe that the thinking is just to extend status quo through June 30, 2015. It's not to eliminate the sunset and it's not to have DNR exist without fees between the time the sunset hits and the time they'd get administrative rules in place, if they go that route. As I understand it there are some things that might come about in the next couple of years on a national level that would give a better sense of whether to keep these fees permanently either in statute or by rule, or eliminate them altogether.

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Monday, December 17, 2012 9:17 AM
To: Stinebrink, Cory R - DOA
Subject: RE: BB0167

As I look closer at current law, I want to make sure that I understand your intent. Under current law, the "sunset" provision in s. 283.35 (1m) (c) is intended to cause the statutory fee provisions to expire so that the fees in rules will thereafter apply. That is, the sunset *only* applies to the amount of fees. This draft already eliminates the requirement that DNR promulgate rules so that the effect of the draft is that only the statutory fees will apply. If the draft extends the "sunset" provision, or even if it doesn't, whenever that sunset occurs there will be no fee *at all* for a ballast water permit. Is this consistent with your intent? I'm wondering if instead, you want to eliminate the sunset entirely. Give me a call if you want to discuss this or if I am misunderstanding your instructions.

Thanks.
Robin

From: Stinebrink, Cory R - DOA [<mailto:Cory.Stinebrink@wisconsin.gov>]
Sent: Monday, December 17, 2012 9:00 AM

To: Kite, Robin
Subject: RE: BB0167

Oh, sorry. Forgot the LRB code. Was Friday afternoon, I'll use that as an excuse. Yes, 0383 is the draft in question.

From: Kite, Robin [<mailto:Robin.Kite@legis.wisconsin.gov>]
Sent: Monday, December 17, 2012 7:51 AM
To: Stinebrink, Cory R - DOA
Subject: RE: BB0167

Cory:

I assume that you want me to redraft LRB-0383. Or are you asking for a new draft with a new LRB number?

Thanks.
Robin

From: Stinebrink, Cory R - DOA [<mailto:Cory.Stinebrink@wisconsin.gov>]
Sent: Friday, December 14, 2012 2:35 PM
To: Kite, Robin
Subject: BB0167

Robin-

On the Ballast water discharge permit fee sunset draft could you put together a draft for me that would amend the statutes so that the sunset date would be extended to June 30, 2015? Thanks.

Cory Stinebrink
Executive Policy and Budget Analyst
State Budget Office
(608)266-1103



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0383/23
RNK:jld

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run
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DOA:.....Stinebrink, BB0167 – Ballast water discharge permit fee sunset provision

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

In
12/17

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Jan 12/17
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don't gen

1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Under current law, DNR may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. If DNR issues a general permit, DNR must charge a person who seeks coverage under the general permit a specified application fee and an annual fee. These fees apply only before July 1, 2013. Current law requires DNR to promulgate rules to establish the fees that apply beginning on July 1, 2013.

This bill eliminates the requirement that DNR promulgate rules to establish the general permit application fee and annual fee that apply on and after July 1, 2013. Under this bill, the fees that are currently established in the statutes continue to apply on and after July 1, 2013. through September 30, 2015 ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 283.35 (1m) (c) of the statutes is repealed.

INS.
1-2

1

SECTION 2. 283.35 (1m) (d) of the statutes is repealed.

2

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0383/3ins.
RNK:.....

INSERT 1-2

- 1 **SECTION 1.** 283.35 (1m) (c) [✓] of the statutes is amended to read:
- 2 283.35 (1m) (c) Paragraph (b) does not apply after ~~June~~ [✓] September 30, 2013
- 3 2015. [✓]

History: 1979 c. 221; 1995 a. 227 s. 853; Stats. 1995 s. 283.35; 2009 a. 28.

Kite, Robin

From: Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>
Sent: Monday, January 21, 2013 6:29 PM
To: Kite, Robin
Subject: RE: BB0167

6383

Robin-

I will need this Ballast Water sunset redrafted for a sunset date of June 30, 2015.

Thanks,
Cory

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State Budget Office
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State of Wisconsin
2013 - 2014 LEGISLATURE



Rm run
4

LRB-0383/0

RNK:jld:jm

DOA:.....Stinebrink, BB0167 – Ballast water discharge permit fee sunset provision

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

X

don't gen

1

AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 283.35 (1m) (c) of the statutes is amended to read: ✓

no strike
re
plain

1 283.35 (1m) (c) Paragraph (b) does not apply after June September 30, 2013
2 2015. ✓

3 SECTION 2. 283.35 (1m) (d) of the statutes is repealed.

4 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0383/4
RNK:jld:rs

DOA:.....Stinebrink, BB0167 – Ballast water discharge permit fee sunset provision

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3 (END)